

JACOB M. HEATH (SBN 238959)
jheath@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 March Road
Menlo Park, CA 94025
Telephone: (650) 614-7470
Facsimile: (650) 614-7401

MELISSA LEVIN (SBN 328146)
melissalevin@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
Facsimile: +1 415 773 5759

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL MOATES,

Plaintiff,

v.

META PLATFORMS, INC. et al.,

Defendants.

Case No. 3:22-cv-04478-JD

**DECLARATION OF MELISSA LEVIN IN
SUPPORT OF META'S REQUEST FOR
JUDICIAL NOTICE**

Hearing Date: June 1, 2023
Time: 10:00 a.m.
Dept: Crt. Room 11
Judge: Hon. James Donato

1 I, MELISSA LEVIN, declare as follows:

2 I am a member of the California State Bar, admitted to practice before this Court. I am an
3 associate at Orrick, Herrington & Sutcliffe LLP, and counsel of record for Meta Platforms, Inc. I
4 make this declaration in support of Meta's Request for Judicial Notice. I am familiar with the
5 events, pleadings, and discovery in this action and, if called as a witness, I could and would testify
6 competently to the matters stated herein of my own personal knowledge.

7 1. Attached as Exhibit A is a true and correct copy of Meta's Terms of Service as of
8 October 20, 2020 (dated October 1, 2020).

9 2. This document is publicly available at:
10 <https://web.archive.org/web/20201020015621/https://www.facebook.com/terms/>

11 3. Attached as Exhibit B is a true and correct copy of Meta's Terms of Service,
12 which was formally called the Statement of Rights and Responsibilities, as of July 13, 2014
13 (dated November 15, 2013).

14 4. This document is publicly available at:
15 <https://web.archive.org/web/20140714225237/https://www.facebook.com/terms>

16 I declare under penalty of perjury of the laws of the State of California and the laws of the
17 United States that the foregoing is true and correct.

18 Executed on the 6th day of April, 2023 at San Francisco, California.

19
20 /s/ Melissa Levin
21 Melissa Levin
22
23
24
25
26
27
28